IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO. 8600 OF 2007

Prafulla Rajendra Mahankale & ors. ... Petitioners

V/s

The Special Land Acquisition, Pune & ors. ... Respondents

Mr. P.B.Shah for the petitioners.

Mr. Vijay Patil for the Respondent No.2.

Mr. V.S.Gokhale, A.G.P. for the Resp.Nos.1, 3 to 5.

CORAM: J.N.PATEL AND SMT.NISHITA MHATRE, JJ.

DATED: 27TH NOVEMBER, 2007

P.C.:

1. Heard.

2. According to the petitioner's case, respondent No.1 took over possession of the suit land from the tenant after initiating land acquisition proceeding under the Land Acquisition Act. It is the case of the petitioner that they were never given notice of the fact that the land is notified for acquisition and that is only after the tenancy proceeding they came to know that the land was notified for acquisition for the purpose of Pimpary-Chinchwad New Town Development Authority.

2. In view of the fact that the petitioner has approached this Court after a period of 20 years by invoking its extraordinary jurisdiction, we dismiss the petition on the ground of gross delay and latches. We make it clear that as we have not disposed of the matter on merits, the petitioner is at liberty to pursue the alternative remedy, if any, available under the law.

(J.N.PATEL, J.)

(SMT.NISHITA MHATRE, J.)